

19440

September 22

Mr. HUMPHREY. I move that the Senate reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

YOKO TAKAYASHIKI

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1070, H.R. 2640.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H.R. 2640) for the relief of Yoko Takayashiki.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1089), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor child to be adopted by citizens of the United States the status of a nonquota immigrant, which is the status normally enjoyed by the alien minor children of U.S. citizens.

STATEMENT OF FACTS

The beneficiary of the bill is a 19-year-old native and citizen of Japan, who presently resides in that country with Mr. and Mrs. Daniel Iwai Aiso, U.S. citizens, who adopted the beneficiary on September 9, 1961. Mr. Aiso is a chief warrant officer in the U.S. Army. Mrs. Aiso was lawfully admitted to the United States for permanent residence and was thereafter naturalized a U.S. citizen on November 3, 1953. Mr. and Mrs. Aiso are scheduled to return to the United States within the near future, and desire to bring their adopted daughter with them.

The ACTING PRESIDENT pro tempore. The question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

CHARLES J. UTTERBACK

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 881, S. 521.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 521) for the relief of Charles J. Utterback.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment on page 1, line 9, after the word "from", where it appears the first time, to strike out "the date of his separation from service for the purpose of retirement under the Civil Service Retirement

Act on September 30, 1959, through October 31, 1959, the date on which he would have been separated for such purpose except for the erroneous computation of his term of service by the Corps of Engineers" and insert "September 30, 1959, the date of his separation from service for the purpose of retirement under the Civil Service Retirement Act (in accordance with an erroneous computation of his term of service made by the Corps of Engineers) through October 12, 1959, the date on which he became eligible for retirement"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles J. Utterback, of Aiea, Hawaii, a sum equal to the amount he would have received as compensation had he continued in his employment with the Corps of Engineers, of the United States Army, Honolulu District, from September 30, 1959, the date of his separation from service for the purpose of retirement under the Civil Service Retirement Act (in accordance with an erroneous computation of his term of service made by the Corps of Engineers) through October 12, 1959, the date on which he became eligible for retirement.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 898), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD as follows:

PURPOSE

The purpose of the bill, as amended, is to authorize the Secretary of the Treasury to pay to Mr. Charles J. Utterback, of Aiea, Hawaii, a sum equal to the amount he would have received as compensation had he continued his employment in the Corps of Engineers of the U.S. Army, Honolulu District, from September 30, 1959, the date of his separation from service for the purpose of retirement under the Civil Service Retirement Act, in accordance with an erroneous computation of his term of service made by the Corps of Engineers, through October 12, 1959, the date on which he became eligible for retirement.

STATEMENT

The unfavorable report of the Department of the Army on this bill shows that Mr. Charles Utterback was born August 3, 1931, in Landes, Ill., and entered the U.S. Army on December 8, 1951, and remained on active duty until he was honorably discharged at Camp Zachary Taylor, Ky., on January 17, 1959. Mr. Utterback reentered the Army on July 1, 1959, and remained on active duty until receipt of his second honorable discharge on July 1, 1959. Mr. Utterback received a civil service appointment as a tractor operator, CR-5, on November 25, 1956, and remained in various civil service positions continuously until he was erroneously retired from the rolls of the U.S. Army Engineer District, Honolulu, Hawaii, on September 30, 1959. Mr. Utterback would not have received his 30 years of service required for normal retirement until October 12, 1959.

Since Mr. Utterback's separation had become effective and he could not be restored to the rolls, the district engineer, U.S. Army Engineer District, Honolulu, took corrective action making the effective date of retirement October 31, 1959. Mr. Utterback was

granted length of service credit for October 1959 without actually having performed any duties, so that he could meet the minimum eligibility requirements for optional retirement. This was accomplished administratively by granting Mr. Utterback leave nunc pro tunc.

This committee is mindful of the fact that Mr. Utterback was separated from his employment by an error of the Corps of Engineers in erroneously determining his length of service for the purpose of retirement under the Civil Service Retirement Act. There is no doubt that Mr. Utterback would have gladly worked through the month of October so that he would have been eligible not only to draw his retirement but also to have drawn his salary for each day up to the day when he would receive his retirement check, which would have been November 1, 1959. However, since Mr. Utterback became eligible to retire on October 12, 1959, this committee feels that he should be paid compensation for only those days which it was actually necessary for him to have worked for purposes of drawing his retirement and, therefore, recommends that the bill, as amended, be favorably considered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

APPOINTMENT OF NEW DIRECTOR FOR CENTRAL INTELLIGENCE AGENCY

Mr. PROUTY. Mr. President, the White House announced several weeks ago that Allen W. Dulles would retire as Director of the Central Intelligence Agency before the end of this year.

Yet Congress is only hours away from adjournment and the President has left the legislative branch in the dark with respect to whom he will nominate to succeed Mr. Dulles.

I am deeply disturbed about this situation.

Unlike other Government agency heads the Director of CIA has been personally vested by Congress with sweeping autonomous authority.

The next 90-day period, from the standpoint of peace or war, may be one of the most crucial in our Nation's history.

The success of the United States in these most critical days ahead requires the finest coordination of intelligence and the most reliable foreign intelligence operations.

The President will be making a grave mistake if he does not use every effort to persuade Mr. Dulles to remain until the competence of his proposed successor can be thoroughly scrutinized by the U.S. Congress.

GOODBYE "PORKY"

Mr. BOGGS. Mr. President, on Wednesday, September 20, one of the truly fine gentlemen in the sports world, Golfer Ed "Porky" Oliver, passed away.

"Old Pork Chop" as he was known to his fellow professionals, succumbed to the dread disease, cancer.

"Porky" added as a youngster at the Wilmington Country Club and in 1933